

REMARKS

With respect to the examiner's remark (1) in the Office Letter dated 29 June 2004, Applicant notes the withdrawal of the finality of the previous Office action and the entering of Applicant's submission filed on 28 April 2004.

With respect to the examiner's remark (2) in the Office Letter dated 29 June 2004, It appears the Examiners only recorded the formally pre-arranged telephone interview on July 1, 2003 and not the impromptu telephone communication initiated by the Applicant on July 14, 2003. In the future, whenever possible, the Applicant shall seek to formally pre-arrange and document telephone interviews with the Patent Office.

With respect to the examiner's remark (3) in the Office Letter dated 29 June 2004, The applicant acknowledges and agrees with the rationale of the Examiner's stated objections to Claims 68-74. After reviewing the subject claims and their basis in the Applicant's specification, the Applicant has amended claims 68 and 69 to read as method claims. The method claims read so as to involve (a) the application of the referenced embodiments of the composition in which (b) a portion of the referenced compositions are cultivated *in-situ* with further distinctions and limitations as follows: (i) Claims 68 and 69 are limited to read as methods for the anaerobic bioremediation of hydrophobic contaminants in soils, as the *in-situ* cultivation of plant materials would obviously be impractical for the treatment of other media; and (ii) the Markush groups of fiber-containing plant materials are limited to consist only of those plant families that are practical to cultivate in soils *in-situ*. Claims 70 - 73 have been canceled.

With respect to the examiner's remark (4) in the Office Letter dated 29 June 2004, Claim 33 has been amended to put it in proper Markush group form.

With respect to the examiner's remarks (5), (6) and (8) in the Office Letter dated 29 June 2004, Claims 38-43 have been amended and are no longer vague and indefinite. Further, Claims 53 and 58-63 and Claim 77 are now in proper form as well.

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With respect to the examiner's remark(7) in the Office Letter dated 29 June 2004,
As discussed in the Applicant's response to the Examiner's remark (3) above, the applicant has amended claims 68 and 69 herein to read as method claims and has canceled claims 70 - 73. If in the Examiner's opinion the subject matter of the currently amended claims 68 and 69 is still not properly defined, the Applicant would be amenable to suggestions for revised language, and in such event the Examiner's constructive assistance is requested.

With respect to the examiner's remark(9) in the Office Letter dated 29 June 2004 regarding the rejection of Claims 24-26, 28-46, and 48-77 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of US Patent No. 6,423,531 B1, a timely Terminal Disclaimer is being filed herewith.

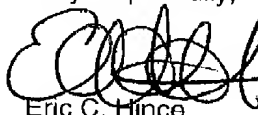
Conclusion

For all of the above reasons, applicant submits that the claims are now in proper form, and that the subject matter of the present invention is clearly defined and non-obvious relative to the prior art cited by the examiner. Therefore, applicant submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

Applicant has amended this application so as to define the present invention by claims that are proper and definite, and which define a subject matter that is novel and also unobvious. If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



Eric C. Hince
Applicant

P.O. Box 293
Florida, NY 10921
Tel. (845) 651-4141
Fax (845) 651-0040

Certificate of Facsimile Transmission: I certify that on the date below this document and referenced attachments, if any, have been transmitted to the examiner at the facsimile number provided by the examiner: (703) 872-9306.

29 September 2004



Eric C. Hince, Applicant